

Town of Williamstown

Massachusetts

*Municipal Building
31 North Street
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**Williamstown Affordable
Housing Committee
Catherine Yamamoto,
Chairman
wmst.housing@gmail.com
413-458-3500
FAX 413-458-4839**

August 26, 2013

Mr. Kenneth Swiatek
101 Stratton Road
Williamstown, MA 01267

Dear Mr. Swiatek:

This letter is to acknowledge receipt of a copy of your August 20, 2013 filing with the Attorney General's Office alleging a violation of the Open Meeting Law by the Williamstown Affordable Housing Committee.

I note that:

1. You cite May 28-29 as the date of the alleged violation.
2. Your filing is dated more than 30 days after the alleged violation, though you attended our June 25 meeting so thus were aware of the possibility of a violation within the 30-day filing deadline. Additionally, the May 28th meeting was televised and as Messrs. Ellet, Short and Sheldon met the following day, if a posting were required the violation would have been immediately evident.
3. The only communication from you that I have received is a copy of your August 20 filing with the Attorney General's office.

These points are contrary to the Attorney General's instructions that:

1. "The complaint must be filed with the public body within 30 days of the alleged violation, or if the alleged Open Meeting Law violation could not reasonably have been known at the time it occurred, then within 30 days of the date it should reasonably have been discovered."
2. "Pursuant to G.L. c. 30A, S23, the Open Meeting Law requires that complaints must first be filed with the public body that is alleged to have committed the violation, prior to filing a complaint with the Attorney General."

Because it appears that you have formally filed this complaint with the Office of the Attorney General, I will respond to both you and the Attorney General regarding the alleged violation.

1. The Williamstown Affordable Housing Committee is a six-member body appointed by the Town Manager.
2. Criteria to be included in an RFP for development of the two town-owned sites were discussed at the May 28 meeting. A number of these are listed in the Minutes. Committee members Short and Ellet volunteered to refine the criteria and report back at the next meeting. (Messrs. Ellet and Short were absent from the next meeting, which was held on June 25. They were present at the following meeting, which was held on July 2, and the list of criteria was reviewed then.)
3. No instructions or charge were given to Messrs. Short and Ellet. There was no mention of the formation of a subcommittee. No motion was made and no vote was taken to form one.
4. The Minutes of the May 28 meeting include the word "subcommittee" in Item 4A2. This was the word choice of the secretary. A review of the video recording of the meeting confirms that the word was not used in the meeting.
5. Any mention of the Open Meeting Law at the meeting in connection with the two committee members working together with Mr. Sheldon was to ensure that the Affordable Housing Committee was in compliance with the Open Meeting Law, not seeking to avoid it.
6. Messrs. Short, Ellet and Sheldon completed their task at a meeting the following day and had no intention or need to meet again.
7. When Messrs. Short, Ellet and Sheldon met, they took no votes and did not deliberate or act on any items other than in regards to the document that they drafted for review by the Affordable Housing Committee.
8. The document drafted by Messrs. Short, Ellet and Sheldon constitutes their entire notes, findings and recommendations.
9. The document drafted by Messrs. Short, Ellet and Sheldon was reviewed by the Affordable Housing Committee at its July 2 meeting and was attached to the Minutes of that meeting and submitted to the Town Clerk in accordance with the Open Meeting Law.

I agree that you were correct in your March 14, 2013 complaint against us, in which we committee members agreed by email to sign a Letter to the Editor that I had written and I am grateful to you for pointing out to us that violation of the Open Meeting Law.

In advance of any determination by the Attorney General as to the validity of your complaint, I will, as you request, acknowledge your August 20 complaint at an upcoming meeting of the Affordable Housing Committee.

Sincerely,

Catherine Marks Yamamoto, Chair
Affordable Housing Committee

cc: Board of Selectmen
P. Fohlin, Town Manager
Office of the Attorney General

Attachments:

Kenneth Swiatek OML complaint dated August 20, 2013 (14 pages).

AHC Minutes: June 25, July 2

RFP Criteria list